



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
February 27 – March 5, 2015

DATE: March 6, 2015

ITEMS FILED FOR THE PUBLIC RECORD

1. Letter from David Hook on behalf of the San Jose Library and Early Education Commission (SJLEEC), dated February 26, 2015, regarding, "SJLEEC Annual Budget Message to Mayor and City Council."
2. Notification Letter from Verizon for N Bascom SC1 dated February 26, 2015 for the small cell installation on an existing JPA wooden pole.
3. Letter from David Wall to the Mayor and City Council, dated March 2, 2015, regarding, "South Bay Water Recycling Funding is a textbook study in theft of rate payer's monies."
4. Letter from David Wall to the Mayor and City Council, dated March 4, 2015, regarding, "SMARTER GOVERNMENT should permit bicyclists ability to bring bicycles into cubicles and offices!"
5. Letter from David Wall to the Mayor and City Council, dated March 4, 2015, regarding, "The Treatment Plant Advisory Committee meetings should be moved to the Wing and under the authority of the Office of the City Clerk."
6. Letter from David Wall to the Mayor and City Council, dated March 4, 2015, regarding, "Have ESD Managers conferred an inappropriate benefit to the BART Expansion by accepting their 'Dirt?'"
7. Letter from David Wall to the Mayor and City Council, dated March 5, 2015, regarding, "Boards and Commissions appointment process needs a 'Task Force study' to ensure diversity & fairness."
8. Letter from David Wall to the Interim City Manager Norberto Dueñas, dated March 5, 2015, regarding, "Untrue statements(s) contained in ESD/Public Works Memorandum still not corrected. [Week #6]"
9. Letter from David Wall to the Mayor and City Council, dated March 5, 2015, regarding, "SMARTER GOVERNMENT Does not include revising Municipal Code for Public Works putsch for control of ESD and DOT contracts."

ITEMS TRANSMITTED FROM THE ADMINISTRATION

10. Memorandum from Director of Environmental Services Kerrie Romanow and Interim Director of Public Works Barry Ng, dated March 4, 2015, entitled, "MWH Program Management Invoice Approval Process."



Toni J. Taber, CMC
City Clerk

TJT/at

Distribution:	Mayor/Council	Director of Transportation
	City Manager	Public Information Office
	Assistant City Manager	San José Mercury News
	Assistant to City Manager	Library
	Council Liaison	Director of Public Works
	Director of Planning	City Auditor
	City Attorney	Director of Finance

*San José Public Library*

LIBRARY AND EARLY EDUCATION COMMISSION

February 26, 2015

Dear Honorable Mayor and City Council:

On behalf of the San José Library and Early Education Commission (SJLEEC), I would like to thank you for your continued support of the San José Public Library System and the vast services it provides to our community.

We greatly appreciate that in November 2014 San José residents voted to continue the Library Parcel Tax for the next 25 years. Consistent with a recent resident survey showing that 66% of the respondents rated San José's libraries as good or excellent, the Library Parcel Tax approval reflects the confidence and value residents attribute to the City's libraries. Looking forward, the SJLEEC urges the Council to consider two strategic priorities for the upcoming 2015-2016 fiscal year.

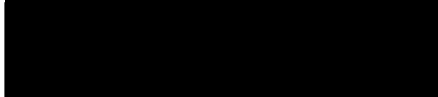
First, we strongly urge you to support and actively advocate for the increase in the operating hours at each of our libraries, especially on Saturdays. This suggestion is consistent with San Jose residents' requests. With our city's continued improvement in its economic health, now is the time to consider an increase in funding to our libraries to allow all branches to be opened six days a week, including Saturdays. Libraries are long term investments in our communities and for our residents, especially our youth. Longer library hours are positively correlated with the level of public safety in surrounding neighborhoods.

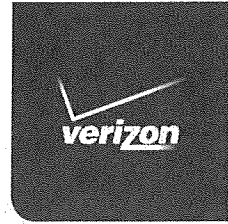
Second, on April 8, 2014 the City Council approved a proclamation declaring the month of April as "Young Child Awareness Month" in the City of San Jose. In support of the positive development of young children, the SJPL has established several Early Education Key Initiatives, including providing developmentally appropriate literacy experiences for children at libraries, expanding services for parents and caregivers for children's early learning, and connecting early educators and home-based child care providers with library programs. We urge the Council to support the implementation of the Library's ambitious and evidence-based early education strategies.

We appreciate your taking into consideration the benefits our public libraries offer when prioritizing the city's budget for the coming fiscal year.

Thank you for your vision and leadership.

Best Regards,


David Hook
Chair, SJLEEC (on behalf of the SJLEEC)



February 26, 2015

Ms. Anna Hom
Consumer Protection and Safety Division
California Public Utilities Commission
[REDACTED]
San Francisco, CA 94102
[REDACTED]

RE: Notification Letter for N Bascom SC1
San Jose, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

This is to provide the Commission with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact the representative below.

Sincerely,

Rommel Angeles
[REDACTED], Walnut Creek, CA 94598
(925) 279-6360



CPUC Attachment A

Site Name	North Bascom SC1
Legal Entity	GTE Mobinet of California LP
Choose Type of Project	Note: Select IB Initial Build (New Verizon Wireless Presence) or AM Modification to existing Verizon site
Street Address of Site	1334 Fremont St.
Site Location City	San Jose
Site Location Zip Code	95126
Site Location County	Santa Clara
Site Location APN Number	N/A - Public ROW
Brief Description of Project	Small Cell installation on an existing JPA wooden utility pole. One pole top antenna on a SYGO extension, two RRU, one disconnect and one meter will be placed on the pole. One low-profile equipment cabinet mounted to JPAK equipment mount on the pole. No ground-mounted equipment.
Number and type of Antennas/Dishes	1 New CWT360X06F antenna
Tower Design	Wooden Utility Pole
Tower Appearance	
Tower Height (in feet)	52'-5.5"
Size of Building or NA	N/A
Planning Director (or equivalent)	Planning Director
Contact 1 Agency Name	City of San Jose
Contact 1 Street Address	200 E. Santa Clara St
Contact 1 City	San Jose
Contact 1 State	CA 95113
Contact 1 Zip Code	Webmaster.planning@sanjoseca.gov
City Manager (or equivalent)	City Manager
Contact 2 Agency Name	City of San Jose
Contact 2 Street Address	200 E. Santa Clara St
Contact 2 City	San Jose
Contact 2 State	CA 95113
Contact 2 Zip Code	Webmaster.manager@sanjoseca.gov
City Clerk (or equivalent)	City Clerk
Contact 3 Agency Name	City of San Jose
Contact 3 Street Address	200 E. Santa Clara St
Contact 3 City	San Jose
Contact 3 State	CA 95113
Contact 3 Zip code	cityclerk@sanjoseca.gov
Director of School Board (or equivalent)	N/A
Contact 4 Agency Name	
Contact 4 Street Address	
Contact 4 City	
Contact 4 State	
Contact 4 Zip Code	

COORDINATES
Site Location Latitude
Site Location Longitude

Degrees	Minutes	Seconds
37	19	56.82
121	55	13.11

NAD_27_or_83

27
83

LAND USE OR BUILDING APPROVALS

Type of Approval Issued	Encroachment Permit
Issue Date of Approval	2/23/2015
Effective Date of Approval	2/23/2015
Agency Name	Department of Public Works, San Jose
Approval Permit Number	F15027
Resolution Number (if applicable)	N/A
Type of Approval Issued (2)	
Issue Date of Approval (2)	
Effective Date of Approval (2)	
Agency Name (2)	
Approval (2) Permit Number	
Resolution Number (2) (if applicable)	

David S. Wall
 [REDACTED] 1 San José, California 95150
 Phone / Fax (408)-295-5999

RECEIVED
 San Jose City Clerk

March 2, 2015

2015 MAR -2 PM 12:59

HA etc.

Mayor Liccardo and Members San José City Council
 Interim City Manager
 200 East Santa Clara Street
 San José, California 95113-1905

Re: South Bay Water Recycling Funding is a textbook study in theft of rate payer's monies.

SBWR and the Silicon Valley Advanced Water Purification Plant require a new funding source.

There is NO "Legitimate and or Legal Rationale" to use the existing funding source for SBWR expansion.

Dateline: City Desk [Monday, (03.02.15)]. *SBWR is an extension of ESD's grotesquely incompetent management!*

Below is the text of a pending Request for Public Record Information concerning SBWR.

"Request for PUBLIC RECORD INFORMATION

This request for Public Record information concerns itself with South Bay Water Recycling (SBWR).

I request the following Public Record Information:

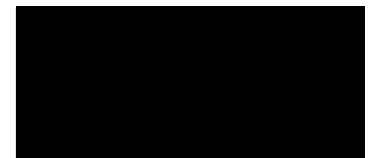
With the non-competitive promotion, which is actually just the Director of ESD's assignment of a new Deputy of Municipal Water to oversee and control SBWR with the transfer of oversight for these services from the San José / Santa Clara Water Pollution Control Plant (WPCP) to Municipal Water; what is the net reduction in Municipal Water budget and net increase in WPCP budget as a direct and proximate cause of this administrative action? Will the new Deputy-Director of Municipal Water receive funding for this position from FUNDS 512 and or 513? If so, identify. Also list all other Municipal Water employees who will receive funding from FUNDS 512 and or 513. Identify these positions as well. Please produce a current organization chart identifying all employees of Municipal Water, SBWR by their funding source(s).

Is there any consideration of the conflict of interest in having the retailer of reclaimed water [Municipal Water] oversee and control the wholesaler of recycled water [South Bay Water Recycling (SBWR)]? Or does this administrative structure permit and justify the ability to pass through overhead monies for SBWR employees using WPCP's FUNDS 512 and or FUND 513 via "conduit funding" to Municipal Water; who then passes these monies through its financial structure to the General FUND and or to subsidize Municipal Water functions; be it overheads, operations, maintenance, etcetera? How much money from FUNDS 512 and or 513 are being transferred from WPCP to Municipal Water to facilitate the nesting of SBWR under the control of Municipal Water? Please identify the amounts via FUND designation (i.e. Funds 513 and or 512).

What is the total cost to WPCP's Operating and or Capital funds (FUNDS 513 & 512 respectively) for the purchase of SBWR- water meters transferred to the Municipal Water customers during the history of the program? Were these same funds used to purchase water meters for any of the other (Municipal Water) customers?" Please identify customers and amount of funds."

Respectfully submitted,

Cc: City Attorney / Interim City Manager / City Auditor



David S. Wall
[REDACTED] San José, California 95150
Phone / Fax (408)-295-5999

RECEIVED
San Jose City Clerk

2015 MAR -4 PM 1:06

(S) OTC

March 4, 2015

Mayor Liccardo and Members San José City Council
Interim City Manager
200 East Santa Clara Street
San José, California 95113-1905

Re: "SMARTER GOVERNMENT" should permit bicyclists ability to bring bicycles into cubicles and offices!

Environment protecting, Health Heroes and Heroines are being thwarted by asinine city policy.

City employees rightfully fear theft and or vandalism to their bicycles at City Hall outside bicycle racks.

Bicycle riding to work should be encouraged and rewarded and not deterred by errant policies!

Mayor Liccardo is the patron saint for all City employee bicyclists. Pray for his intercession!

Dateline: City Desk [Wednesday, (03.04.15)]. *What "a**hole policy maker(s)" interferes with bicyclists?*

Below is the text of a pending Request for Public Record Information.

"Re: Request for PUBLIC RECORD INFORMATION"

This request for Public Record Information concerns itself with the inability for City employees to bring their bicycles into their City Hall to their cubicles or offices for storage while on duty.

I request the following Public Record Information:

Please identify the City Department who has authority over city employees who wish to bring their bicycles into City Hall for storage in their cubicles and or offices to avoid theft and or vandalism.

Please provide the written policy, Municipal Code section and or City Charter Code section that preclude city employees from brining their bicycles into City Hall for storage in their cubicles and or offices to avoid theft and or vandalism."

Respectfully submitted,

[REDACTED]

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///

Cc: City Attorney / Interim City Manager / City Auditor

David S. Wall
[REDACTED] San José, California 95150
Phone / Fax (408)-295-5999

RECEIVED
San Jose City Clerk

2015 MAR -4 PM 1:07

[Handwritten signature]

March 4, 2015

Mayor Liccardo and Members San José City Council
Interim City Manager
200 East Santa Clara Street
San José, California 95113-1905

Re: The Treatment Plant Advisory Committee meetings should be moved to the Wing and under the authority of the Office of the City Clerk.

Dateline: City Desk [Wednesday, (03.04.15)]. *TPAC meetings in the Wing will restore Transparency!*

The Treatment Plant Advisory Committee (TPAC) which oversees the grotesquely incompetent management of the San José / Santa Clara Water Pollution Control Plant's (WPCP) Operations, Maintenance and Capital Improvement Program (CIP) currently holds its meetings in the City Manager's conference room.

TPAC meetings have grown in size of the populations of participants as well as would-be consultants to wit just trying to "hear the proceedings" have become burdensome and oppressive. This room is too small.

During last month's TPAC meeting, several members from the public could not "hear the proceedings" and one person rightfully requested an accommodation under the Americans with Disability Act.

TPAC meetings should be moved to the Wing to accommodate the growing population of participants and to better record the proceedings for the taxpayers and for posterity.

The TPAC meetings should also be under the authority of the Office of the City Clerk.

The current practice of having the Environmental Services Department (ESD) record and transcribe the TPAC meetings record of the proceedings is materially flawed and does not serve the interests of the taxpayers. This process only serves the twisted interests of the ESD and its administrative minions.

Considering a \$2.2 Billion dollar rebuild of the WPCP, the analytical recording and televising of these proceedings will serve to retard ESD's shenanigans and to insure transparency to protect the City Council from being falsely blamed for ESD's incompetence and material wasting of taxpayer dollars-like the \$20,856,015 wasted expenditures as of January 29, 2015 with an engineering consultant firm.

Respectfully submitted,

[REDACTED]

///
///
///

Cc: City Attorney / Interim City Manager / City Auditor

David S. Wall
[REDACTED] San José, California 95150
Phone / Fax (408)-295-5999

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San Jose City Clerk

March 4, 2015

2015 MAR 4 PM 1:08

Mayor Liccardo and Members San José City Council
Interim City Manager
200 East Santa Clara Street
San José, California 95113-1905

Re: Have ESD Managers conferred an inappropriate benefit to the BART Expansion by accepting their "Dirt?"

Are the WPCP rate payers receiving a "benefit" from the use of WPCP land to "store this Dirt?"

Dateline: City Desk [Wednesday, (03.04.15)]. *Did Council authorize the storage of these "Materials" at WPCP?*

Below is the text of a pending Request for Public Record Information.

"Re: Request for PUBLIC RECORD INFORMATION

This request for Public Record Information concerns itself with the Environmental Services Department (ESD)- San José / Santa Clara Water Pollution Control Plant (WPCP), the Public Works Department (PW) and the Department of Transportation (DOT).

This request is focused on the amount of "Dirt, soil, rocks and other debris" that has been removed during the Bay Area Rapid Transit (BART) expansion to San José and then transported to WPCP for disposal and or for other reasons yet to be identified.

I request the following Public Record Information:

Please detail the complete involvement of ESD-WPCP, PW, and DOT activities in the removal and transport of "Dirt, soil, rocks and other debris-(Herein, "Materials")" produced from the BART expansion project.

Who authorized the transport of these "Materials" to WPCP for Disposal, storage or for other purposes?

What are the purposes and or uses for the "Materials" deposited on WPCP land? What is the amount, measured in Cubic yards, of the "Materials" deposited at WPCP as of the date of this Public Record Request?

How many "Trucks" and their Volume of load of "Materials", measured in Cubic yards, arrive daily at WPCP to dispose their loads? Are records being kept as to license plate numbers, driver identification, trucking firm identification? How long has the disposal of BART "Materials" on WPCP land been going on?

Has each truckload been "certified" that the load of "Materials" is devoid of "Hazardous Wastes?" If yes, identify the person or persons involved and or responsible.

How many WPCP employees funded from FUND 513 are being utilized to support the "Materials" storage?

Since WPCP land is paid for via the Sewer Service & Use Charge is there a "Fee" being charged to the BART project for the disposal and purposes of the "Materials" to offset WPCP rate increases?

Did the aforementioned project receive TPAC's, Mayor Liccardo's and Council's authorization? "

Respectfully submitted,

Cc: City Attorney / Interim City Manager / City Auditor

[REDACTED]

David S. Wall
[REDACTED] San José, California 95150
Phone / Fax (408)-295-5999

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San Jose City Clerk

March 5, 2015

2015 MAR -5 PM 4:09

Mayor Liccardo and Members San José City Council
Interim City Manager
200 East Santa Clara Street
San José, California 95113-1905

(15) BT

Re: Boards and Commissions appointment process needs a "Task Force study" to ensure diversity & fairness.

Eliminate the Council Appointment Advisory Committee (CAAC) it is too cumbersome and inefficient.

Human Services Commission (HSC) is also a "bad fit"-too narrow in scope.

Dateline: City Desk [Thursday, (03.05.15)]. *Process & procedures for appointments requires further study.*

The Boards and Commissions to which the Council relies upon are undergoing a reform process. After reviewing Councilmembers Peralez's and Rocha's recommendations, as referenced by their respective Memorandums, I have come to a conclusion that a "Task Force" be appointed to study and make recommendations to Council to ensure "fairness and diversity" in the application and appointment process and procedures for all Boards and Commissions.

***The Council Appointment Advisory Committee (CAAC) is inefficient and unreliable (repeated Quorum issues) and should be abandoned.

***Transferring control of diversity and fairness issues to the Human Services Commission (HSC) to oversee and make recommendations of the application and appointment process and procedures for all Boards and Commissions is too narrow for the stated charge of the HSC and should also be abandoned.

Councilmember Peralez's Memorandum <http://sanjoseca.gov/DocumentCenter/View/40832>

Councilmember Rocha's Memorandum: <http://sanjoseca.gov/DocumentCenter/View/40833>

Councilmembers Peralez and Rocha are hereby "Thanked" for their respective insights. Good-Job!

The recent issues raised concerning the Housing and Community Development Commission (HCDC) have brought to the forefront for discussion the undue influence the accursed Housing Department has had to date with interfering with the democratic process. The opinion of the accursed Housing Department, with reference to the reforms of Boards and Commissions, is objectionable on the grounds the opinion expressed is irrelevant and immaterial. It is the Council Liaison's opinion as to vetting of candidates is at issue.

The accursed Housing Department's "meddling" in the appointment process and procedures is at best, an appearance of a Conflict of Interest but- I have observed the corrupt influences of the accursed Housing Department for all too long and find the conduct of this accursed Department unacceptable and reprehensible.

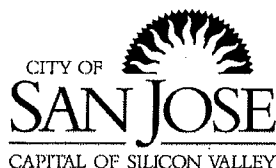
The accursed Housing Department's Memorandum: <http://www.sanjoseca.gov/DocumentCenter/View/40791>

The formation of a "Task Force" would be the "most efficient and fair way" to establish criteria for Council's perusal, modification and or acceptance; to ensure diversity and fairness, in the application and appointment process and procedures for Boards and Commissions.

Cc: City Attorney / Interim City Manager / City Auditor

Respectfully submitted,

[REDACTED]



Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE
FROM: Councilmember Raul Peralez
SUBJECT: Actions Regarding Boards and Commissions
DATE: 4 March 2015

Approved

Date

3/4/15

RECOMMENDATION

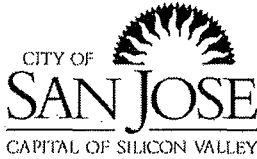
1. Refer item 1(b) for the consideration of the entire City Council.
2. Direct staff to provide a report on the diversity of Boards and Commissions, particularly over the last five years, and corresponding efforts to increase diversity.
3. Should the Council Appointment Advisory Committee (CAAC) be eliminated, the responsibility for implementing a plan for a clear monitoring process, reporting mechanism, and outreach plan to ensure that Boards and Commissions are truly representative of the diverse City that we all love should be transferred to the Human Services Commission (HSC).

ANALYSIS

City boards and commissions were established for the purpose of advising the City Council on providing ongoing input into policies and issues affecting the future of a very diverse San José community.

The term Diversity is intended to include people of all races, religions, national origins, cultural backgrounds, languages, sexes, sexual orientations, ages, disabilities, or other factors. According to the US Census Bureau's American Community Survey in 2012, San José is one of the most diverse cities in the country, with 32.8% people self-identified as Asian or Asian-American, 33.2% Hispanic or Latino, 27.6% White or Caucasian, 2.8% African-American, and 3.6% Other.

While I can certainly appreciate the direct interaction that I have with my constituents in District 3, we all depend upon the role of our Boards and Commissions to be not only experts in their areas of content in effort to advise the Council on specific issues, but also to be representative of our diverse City so that we may make informed decisions with consideration to all the people whom may be affected.



Memorandum

TO: RULES AND OPEN GOVERNMENT
COMMITTEE

FROM: Councilmember
Donald Rocha

SUBJECT: BOARDS AND COMMISSIONS

DATE: March 4, 2015

Approved

Date

3/4/15

RECOMMENDATION

That the Rules Committee bring forward the recommendations for amendments to the City's Boards and Commissions program to the full Council for direction before asking the City Clerk and City Attorney to invest a significant amount of work in pursuing the proposed reforms.

ANALYSIS

I believe the City's Boards and Commissions program is an extremely important mechanism for engaging the public and aiding the Council's decision-making. I'm not necessarily opposed to many of the changes recommended by the Clerk, but given the importance of this issue would like a chance to have the full council provide direction on how we should approach this issue before asking staff off to draft the changes.



Memorandum

TO: RULES AND OPEN GOVERNMENT
COMMITTEE

FROM: Jacky Morales-Ferrand

SUBJECT: SEE BELOW

DATE: March 2, 2015

Approved

D. D. Syl

Date

3/3/15

SUPPLEMENTAL

**SUBJECT: BOARDS AND COMMISSIONS STRUCTURAL IMPROVEMENTS
PROJECT UPDATE**

The Housing Department concurs with the Clerk's Office proposed structural improvements to the Boards and Commissions. The Clerk's Office put forth two options in her memorandum that pertain specifically to the Housing and Community Development Commission. The Housing Department recommends that the Rules Committee adopt Recommendation B.2b as stated below:

Maintain the 13 member HCDC. Allow each Councilmember to nominate one member per district as is current policy, include the mobilehome resident representative and mobilehome landlord (owner) as currently nominated. Send all nominations to the Council Liaison for review who will ensure there is an appropriate composition of HCDC members (including the appropriate number of low- income members and members with varied experience as listed in the Municipal Code). The Council Liaison then transmits the final nominations to City Council through the City Clerk for appointment.

The Housing Department supports the current policy of having each Councilmember nominate one member per district. Having the Council Office send the nomination to the Council Liaison will help ensure the appropriate composition of the Commission. The Council Liaison is versed on the experience requirements for new Commissioners as well as the current membership of the Commission.

The Department also supports expanding the desirable HCDC experience to include persons with apartment ownership and apartment tenant status. While the Housing Department outreaches directly to apartment owner representatives on pertinent issues, it supports adding these qualities as one of the desirable characteristics of HCDC members.

RULES AND OPEN GOVERNMENT COMMITTEE

March 2, 2015

Subject: Boards and Commissions Structural Improvements Project Update - Supplemental
Page 2

The Department also prefers retaining the current HCDC membership at 13. Reducing the number of Commissioners to 11 could make it challenging to retain Commissioners with all of the experience as stated in the Municipal Code.

/s/

JACKY MORALES-FERRAND
Interim Director of Housing

For questions, please contact Jacky Morales-Ferrand at 408-535-3851

David S. Wall
[REDACTED] San José, California 95150
Phone / Fax (408)-295-5999

RECEIVED
San Jose City Clerk

March 5, 2015

2015 MAR -5 PM 4:11

POC

Mr. Noberto Dueñas
Interim City Manager
200 East Santa Clara Street
San José, California 95113-1905

Re: Untrue statement(s) contained in ESD / Public Works Memorandum still not corrected. [Week #6]

[Week #5] was not reported due to assurances the aforementioned issue(s) would be resolved.

When will ESD Director and Public Works Director "Come clean" on their joint error?

ESD / Public Works Directors have had ample opportunity to admit error and make corrective remedy.

What do you call people who make a false statement(s) and don't correct it?

What do you call people who continue to "Drag their Lazy, Disrespectful Butts" and don't correct it?

What do you call people who make "Bullshite Commentary" to a citizen taxpayer and don't correct it?

What do you call people who repeatedly "Bullshite" the Interim City Manager and don't correct it?

Dateline: City Desk [Thursday, (03.05.15)]. *Maybe the Interim City Manager should "Fire" a Director or two.*

The mistake was made in a joint Memorandum by the Environmental Services Department and the Public Works Department Directors. The document containing at least one (1) error concerning an action I was not responsible first appeared here: <http://www.sanjoseca.gov/DocumentCenter/View/39775>, Item 8.

There was a formal response given here: <http://www.sanjoseca.gov/DocumentCenter/View/39985>, Item 5.

What does it say about an organization who makes a mistake and does not admit to the mistake?

Everybody makes "mistakes." I make mistakes, unfortunately, everyday.

It is getting a little late in the day for "excuses" for non-performance in correcting a flawed Public Record.

Please instruct those that made an "official" mistake, to admit their mistake and take corrective remedy.

And then remove the administratively damned from City Service with unceremonious but expeditious dispatch!

Respectfully submitted,

[REDACTED]

**Cc: Mayor Liccardo and Members San José City Council
City Attorney / City Auditor**

David S. Wall
[REDACTED] San José, California 95150
Phone / Fax (408)-295-5999

RECEIVED
San Jose City Clerk

March 5, 2015

2015 MAR -5 PM 4:12

PCOTC

Mayor Liccardo and Members San José City Council
Interim City Manager
200 East Santa Clara Street
San José, California 95113-1905

Re: "SMARTER GOVERNMENT" Does not include revising Municipal Code for Public Works putsch for control of ESD and DOT contracts.

Municipal Code revisions to increase Public Works span of control avoids "Checks and balances."

Municipal Code revisions will allow Public Works increased access to "Restricted Use Funds."

Municipal Code revisions will be used to "End-run" the Master Agreement with the Tributary Agencies.

Read: <http://sanjoseca.gov/DocumentCenter/View/40475> for yourself and form your own opinion(s).

Dateline: City Desk [Thursday, (03.05.15)]. *Nice try Public Works. Too bad your résumé is replete with screw ups!*

You really got to love Public Works upper management. Some of them are living treatments that "social promotions" are still alive and accountability for screwing up simply translates into transfer to the Promised Land for career advancement and financial rewards-the \$2.2 Billion dollar Capital Improvement Program (CIP) for the San José / Santa Clara Water Pollution Control Plant (WPCP). But, revising the Municipal Code to give Public Works a greater span of control over The Environmental Services Department (ESD) and the Department of Transportation (DOT) engineering contracts...Go Pound Salt!

Council would be incredibly foolish to allow revisions of the Municipal Code that strips away any vestige of "Checks and balances" over Public Works. There could be rampant corruption and further mismanagement by this perceived "innovative" approach to contract management. It could be disastrous.

If Public Works was on top of its game, the \$20, 856, 015 dollars of "wasted expenditures at WPCP's-CIP" would never have occurred despite the intervening incompetence of Senior ESD managers.

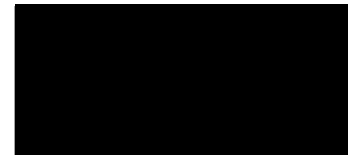
If Public Works was on top of its game, cost overruns and or miscalculations as to the structural needs for entities in the Wing to be moved to the Tower should not have occurred. The increased costs define the reasons why the United States Patent Office project is costing the taxpayers more than was first advertised.

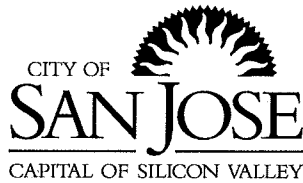
It would be my prayer the Interim City Manager begin a "Re-organization Plan" for Public Works focusing upon rewarding the more competent junior engineers and their support structure over those who received "Social Promotions" for their skills in using fresh Bull-Manure as a medium to paint a portrait of their accomplishments thereby bamboozling Council in the process.

I do applaud Public Works for trying to adhere to "Smarter Government." Public Works needs to get their "House" in order before Council should revise the Municipal Code to give Public Works a greater span of control with exceptionally slight oversight.

Respectfully submitted,

Cc: City Attorney / Interim City Manager / City Auditor





Memorandum

TO: RULES AND OPEN
GOVERNMENT COMMITTEE

FROM: Kerrie Romanow
Barry Ng

SUBJECT: MWH PROGRAM MANAGEMENT INVOICE APPROVAL PROCESS **DATE:** March 4, 2015

Approved

D. OSYL

Date

3/4/15

INFORMATION

This memorandum provides clarification to a staff response to a Rules Committee referral, heard at the February 4, 2015 meeting (Public Record Item No. 8), regarding the review and payment of invoices to MWH Americas (MWH) related to program management services provided for the Capital Improvement Program at the San José-Santa Clara Regional Wastewater Facility). A statement made on Page 3 of the staff memorandum is clarified below (in ~~strikeout~~ and *italicized* font):

“On several recent occasions (12/10/14 Rules Committee, 12/16/14 City Council, 1/6/15 City Council, 1/7/15 Rules Committee) Mr. David Wall has raised issues alleging "double billing" by MWH. Mr. Wall has placed into the Public Record ~~portions of several invoices~~ *documents including a billing summary sheet* he contends illustrate that the City inappropriately paid for duplicate services.”

To reiterate the conclusion of the original staff response (dated January 29, 2015), the charges and invoices submitted by MWH have been reviewed and found to be appropriate and allowable under the Master Service Agreement approved by City Council on September 24, 2013. The language clarification above does not affect the conclusion of the staff response.

/s/

KERRIE ROMANOW
Director of Environmental Services

/s/

BARRY NG
Interim Director of Public Works

For questions, please contact John Cannon, Principal Engineer, Department of Public Works at (408) 535-8340.